

**UNITED STATES BANKRUPTCY COURT  
District of New Jersey**

IN RE: **Michael J Hardy  
Theresa S Hardy**

Debtor(s)

Case No.: 12-21887-JNP  
Judge: Poslusny  
Chapter: 13

**CHAPTER 13 PLAN AND MOTIONS**

☒ Original ☐ Modified/Notice Required ☒ Discharge Sought  
☐ Motions Included ☐ Modified/No Notice Required ☐ No Discharge Sought

Date: 4/27/2017

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE.

**YOUR RIGHTS WILL BE AFFECTED.**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. **This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice.**

**YOU SHOULD FILE A PROOF OF CLAIM BY THE DEADLINE STATED  
IN THE NOTICE TO RECEIVE DISTRIBUTIONS UNDER ANY PLAN  
THAT MAY BE CONFIRMED, EVEN IF THE PLAN REFERS TO YOUR CLAIM**

**Part 1: Payment and Length of Plan**

- a. The Debtor shall pay \$2,100 to the Chapter 13 Trustee, starting on May 1, 2017 for 1 month, in addition to the \$60,900 previously paid.
- b. The Debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future Earnings  
☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

☐ Sale of real property  
Description:  
Proposed date for completion: \_\_\_\_\_

☐ Refinance of real property  
Description:  
Proposed date for completion: \_\_\_\_\_

☐ Loan modification with respect to mortgage encumbering property  
Description:  
Proposed date for completion: \_\_\_\_\_

d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e. ☐ Other information that may be important relating to the payment and length of plan:

1

**Part 2: Adequate Protection**

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_ to be paid directly by the debtor(s) outside of the Plan, pre-confirmation to \_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
<b>Daniel Reinganum</b>	<b>Attorney Fees</b>	<b>\$1,225</b>
<b>McDowell Posternock Apell &amp; Detrick, PC</b>		
John W. Hargrave, Esq.	Attorney Fees	\$1,507.00
John W. Hargrave, Esq.	Attorney Fees	\$1,507.00

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments**

The Debtor shall pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the Debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

**b. Modification**

1.) The Debtor values collateral as indicated below. If the claim may be modified under Section

1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
<b>-NONE-</b>							

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**c. Surrender**

Upon confirmation, the stay is terminated as to surrendered collateral. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Specialized Loan Servicing LLC, as servicer for PROF-2013-S3 Legal Title Trust, by US Bank, NA as Legal Title trustee.  Formerly Rushmore Loan Services	520 Washington Terrace Audubon, NJ 08106-2221	\$275,000	\$0.00

**d. Secured Claims Unaffected by the Plan**

The following secured claims are unaffected by the Plan:

Creditor  
**-NONE-**

**e. Secured Claims to be paid in full through the Plan**

Creditor	Collateral	Total Amount to be Paid through the Plan
<b>-NONE-</b>		

**Part 5: Unsecured Claims**

a. **Not separately classified** Allowed non-priority unsecured claims shall be paid:

\_\_\_\_ Not less than \$\_\_\_\_ to be distributed *pro rata*

\_\_\_\_ Not less than \_\_\_\_ percent

  x   *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured Claims** shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
<b>-NONE-</b>			

### Part 6: Executory Contracts and Unexpired Leases

All executory contracts and unexpired leases are rejected, except the following, which are assumed:

Creditor	Nature of Contract or Lease	Treatment by Debtor
-NONE-		

### Part 7: Motions

**NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, Notice of Chapter 13 Plan Transmittal, within the time and in the manner set forth in D.N.J. LBR 3015-1. A Certification of Service must be filed with the Clerk of Court when the plan and transmittal notice are served.**

**a. Motion to Avoid Liens under 11 U.S.C. Section 522(f).**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
-NONE-							

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount of Lien to be Reclassified
-NONE-		

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
-NONE-			

### Part 8: Other Plan Provisions

**a. Vesting of Property of the Estate**

- ☒ Upon Confirmation  
☐ Upon Discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Trustee shall pay allowed claims in the following order:

- 1) Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

**d. Post-petition claims**

The Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**e. Other Provisions:**

**Part 9 : Modification**

If this plan modifies a plan previously filed in this case, complete the information below.

Date of Plan being modified: December 1, 2014

Explain below <b>why</b> the Plan is being modified.	Explain below <b>how</b> the Plan is being modified
Debtors fell behind in their post-petition mortgage payments for their residence and mortgage company filed stay relief motion in April 2017. Debtors cannot cure arrears in remaining one (1) month of plan.	Plan provides for surrender of residence.  Plan provides for single lump sum payment of remaining plan balance.  Plan provides for payment of supplemental attorneys fees.

Are Schedules I and J being filed simultaneously with this modified Plan? ☐ Yes ☒ No

**Part 10: Sign Here**

The debtor(s) and the attorney for the debtor (if any) must sign this Plan.

Date April 27, 2017 /s/ Daniel Reinganum  
Daniel Reinganum  
Attorney for the Debtor

I certify under penalty of perjury that the foregoing is true and correct.

Date: April 27, 2017 /s/ Michael J Hardy  
Michael J Hardy  
Debtor

Date: April 27, 2017 /s/ Theresa S Hardy  
Theresa S Hardy  
Joint Debtor

**Certificate of Notice Page 6 of 7**  
 United States Bankruptcy Court  
 District of New Jersey

In re:  
 Michael J. Hardy  
 Theresa S. Hardy  
 Debtors

Case No. 12-21887-JNP  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0312-1

User: admin  
 Form ID: pdf901

Page 1 of 2  
 Total Noticed: 24

Date Rcvd: May 03, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 05, 2017.

db/jdb  
 cr Michael J. Hardy, Theresa S. Hardy, 520 Washington Terrace, Audubon, NJ 08106-2221  
 +Specialized Loan Servicing, LLC, as servicer for A, Parker McCay PA, 9000 Midlantic Drive, Suite 300, PO Box 5054, Mount Laurel, NJ 08054-5054  
 513029686 +Arrow Financial Servic (Original Cr, 5996 W Touhy Ave, Niles IL 60714-4610  
 513029687 +Barclaysbk, Po Box 8803, Wilmington DE 19899-8803  
 513029689 +Chase, Po Box 15298, Wilmington DE 19850-5298  
 513029691 +Hsbc Bank, Po Box 5253, Carol Stream IL 60197-5253  
 513029692 Juniper Bank, PO Box 13337, Philadelphia PA 19101-3337  
 513052167 +Midland Credit Management, Inc., 2365 Northside Drive, Ste 300, San Diego, CA 92108-2709  
 513794787 +Rushmore Loan Management Services, 15480 Laguna Canyon Road, Irvine, CA 92618-2132  
 513029694 +Specialized Loan Servi, 8742 Lucent Blvd Ste 300, Highlands Ranch CO 80129-2386  
 515971979 +Specialized Loan Servicing LLC, 8742 Lucent Blvd Suite 300, Highlands Ranch, CO 80129, Specialized Loan Servicing LLC, 8742 Lucent Blvd Suite 300, Highlands Ranch, CO 80129-2386  
 513089806 +Specialized Loan Servicing, LLC, 8742 Lucent Blvd Suite 300, Highlands Ranch, CO 80129-2386  
 513029695 Target Nb, C/O Target Credit Services, Minneapolis MN 55440-0673

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center. smg

Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534 U.S. Attorney, 970 Broad St.,  
 smg +E-mail/Text: usstpreion03.ne.ecf@usdoj.gov May 03 2017 22:57:05 United States Trustee,  
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
 Newark, NJ 07102-5235  
 cr +E-mail/Text: bankruptcydpt@mcmcg.com May 03 2017 22:57:05 Midland Credit Management, Inc.,  
 8875 Aero Drive, San Diego, CA 92123-2255  
 513196855 E-mail/PDF: EBN\_AIS@AMERICANINFOSOURCE.COM May 03 2017 22:54:19  
 American InfoSource LP as agent for, InSolve Recovery, LLC, PO Box 269093,  
 Oklahoma City, OK 73126-9093  
 513029688 +E-mail/PDF: AIS.COAF.EBN@Americaninfosource.com May 03 2017 22:54:18 Capital One Auto Finan,  
 3901 Dallas Pkwy, Plano TX 75093-7864  
 513059977 +E-mail/PDF: acg.acg.ebn@americaninfosource.com May 03 2017 22:48:59  
 Capital One Auto Finance (CODB), c/o Ascension Capital Group, P.O. Box 201347,  
 Arlington, TX 76006-1347  
 514476846 +E-mail/PDF: acg.acg.ebn@americaninfosource.com May 03 2017 22:48:59  
 Capital One Auto Finance,, c/o Ascension Capital Group, P.O. Box 201347,  
 Arlington, TX 76006-1347  
 513066104 +E-mail/Text: bankruptcy@cavps.com May 03 2017 22:57:28 Cavalry Portfolio Services, LLC,  
 500 Summit Lake Drive, Suite 400, Valhalla, NY 10595-2322  
 513029690 +E-mail/Text: creditonebknotifications@resurgent.com May 03 2017 22:56:20 Credit One Bank,  
 Po Box 98875, Las Vegas NV 89193-8875  
 513153456 +E-mail/Text: bncmail@w-legal.com May 03 2017 22:57:25  
 KEYSTONE RECOVERY PARTNERS LLC, SERIES A, C O WEINSTEIN AND RILEY, PS,  
 2001 WESTERN AVENUE, STE 400, SEATTLE, WA 98121-3132  
 513029693 +E-mail/Text: bkr@cardworks.com May 03 2017 22:56:09 Merrick Bank, Po Box 9201,  
 Old Bethpage NY 11804-9001

TOTAL: 11

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

515963553\* +Capital One Auto Finance, c/o Ascension Capital Group, P.O. Box 201347,  
 Arlington, TX 76006-1347  
 515971978\* +Specialized Loan Servicing LLC, 8742 Lucent Blvd Suite 300, Highlands Ranch, CO 80129-2386  
 TOTALS: 0, \* 2, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 05, 2017

Signature: /s/Joseph Speetjens

District/off: 0312-1

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 24

Date Rcvd: May 03, 2017

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 2, 2017 at the address(es) listed below:

Brian C. Nicholas on behalf of Creditor PROF-2013-S3 Legal Title Trust, by U.S. Bank National Association, as Legal Title Trustee bnicholas@kmlawgroup.com, bkgroup@kmlawgroup.com  
Brian E Caine on behalf of Creditor Specialized Loan Servicing, LLC, as servicer for Arch Bay Holdings, LLC-Series 2009B bcaine@parkermccay.com, BKcourtnotices@parkermccay.com  
Daniel L Reinganum on behalf of Debtor Michael J. Hardy dreinganum@MPADLaw.com, kgresh@mpadlaw.com/djamison@mpadlaw.com/lwood@mpadlaw.com/cgetz@mpadlaw.com  
Daniel L Reinganum on behalf of Joint Debtor Theresa S. Hardy dreinganum@MPADLaw.com, kgresh@mpadlaw.com/djamison@mpadlaw.com/lwood@mpadlaw.com/cgetz@mpadlaw.com  
Denise E. Carlon on behalf of Creditor PROF-2013-S3 Legal Title Trust, by U.S. Bank National Association, as Legal Title Trustee dcarlon@kmlawgroup.com, bkgroup@kmlawgroup.com  
Isabel C. Balboa on behalf of Trustee Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
Isabel C. Balboa ecfmail@standingtrustee.com, summarymail@standingtrustee.com  
R. A. Lebron on behalf of Creditor RUSHMORE LOAN MANAGEMENT SERVICES, AS SERVICER FOR US BANK, NATIONAL ASSOCIATION, bankruptcy@feinsuch.com  
R. A. Lebron on behalf of Creditor Rushmore Loan Management Services as servicer for US BANK, NATIONAL ASSOCIATION bankruptcy@feinsuch.com

TOTAL: 9